

REMARKS

By this Amendment, claim 15 has been amended. Accordingly, claims 15-16 are pending in the present application. Claims 8, 10, 11 and 13 have been withdrawn from consideration due to a restriction requirement.

Claim 15 stands rejected under 35 U.S.C. §112, second paragraph. In response, claim 15 has been amended so as to be in full compliance with all §112 requirements. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim 15 stands rejected under 35 U.S.C. §102(f) over applicant's admitted prior art of Figs. 11 and 12. Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over applicant's admitted prior art of Figs. 11 and 12 in view of U.S. Patent No. 5,459,790 to Scofield et al. Applicants respectfully traverse these rejections.

Among the limitations of independent claim 15 which are neither disclosed nor suggested in the prior art of record is an audio system which includes:

“a virtual speaker position operation part, an adjustable position of a virtual speaker being given through the virtual speaker position operation part;”
and

“a sending unit for sending DSP parameter data that is prepared for each of sampling frequencies and includes data defining the adjustable position of the virtual speaker given through the virtual speaker position operation part.”

Because the audio system of the present invention provides for the adjustable position of the virtual speaker, new functions and/or components can be easily added to the system. Support for this amendment can be found in the specification at page 12, line 3 through page 14, line 7, describing a preferred embodiment for adjusting the position of the virtual speaker.

The prior art shown in Figs. 11 and 12 is not capable of adjusting the position of the virtual speaker. Specifically, as described at page 3, lines 9-24, the virtual speaker position of the prior art device is fixed because the azimuth is set to a fixed value in the ROM 160. In fact, inasmuch as the prior art of Figs. 11 and 12 teach that the virtual speaker position is fixed, it teaches away from the present invention as defined in claim 15.

Scofield et al. does not remedy any of the deficiencies of the prior art of Figs. 11 and 12. Nowhere within Scofield et al. is it taught, or even remotely suggested, that the position of the virtual speaker can be adjusted by having adjusted values input from a virtual speaker position operation part.

Therefore, even if one were to combine the teachings of the prior art of Figs. 11-12 and Scofield et al., one would not arrive at the present invention as defined in independent claim 15. Accordingly, it is respectfully submitted that independent claim 15 patentably distinguishes over the art of record, and reconsideration and withdrawal of this rejection is respectfully requested.

Claim 16 depends directly from independent claim 15 and includes all of the limitations found therein as well as additional limitations which, in combination with the limitations of independent claim 15, are neither disclosed nor suggested in the art of record. Accordingly, claim 16 is likewise patentable.

In addition, Applicants respectfully request that the Examiner rejoin claims 8, 10, 11 and 13 in the present application. Each of these claims were indicated as being allowable over the art in a previous Office Action. Applicants respectfully submit that the rejoining and allowance of such claims in this application would not cause any undue hardship on the Examiner as the examination of these claims has already been completed.

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In view of the foregoing, favorable consideration of the amendments to claim 15, rejoining of claims 8, 10, 11 and 13 in this application, and allowance of the present application with claims 8, 10, 11, 13, 15 and 16 is respectfully and earnestly solicited.

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Respectfully submitted,

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